IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 25033 of 2004**

Between:

Sagar Grandhi Exports (P) Limited Old Singarayakonda -523 101
Prakasam District, Rep.by its Manager, M.S.Murthy, S/o Mallikarjuna Murthy, aged 40 yrs
R/o Singarayakodna, Prakasam District.

**..... PETITIONER**

AND

1 The National Highways Authority of India, rep.by its Chairman New Delhi.
2 The National Highways Authority of India, rep.by its General Manager-cum-Project Director,
Project Implementation Unit, Nellore, Nellore District.
3 The Special Deputy Collector and Competent Authority L.A., N.H.5
Ongole, prakasamDistrict.
4 TheRegional Engineer AP.,12 K.M., International AB-Secon
Surverys Private Limited, J.V. N.H.A.I Buildings Kandukur Road,
Singarayakonda, PrakasamDistrict.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction more particularly one in the nature of writ of Mandamus, Directing the respondents to consider the case of the petitioner for providing 'Median Opening ' near the factory unit of the petitioner as represented by the petitioner in its letter dt. 17/12/2004 to the first respondent and direct the respondents not to start the work till the request of the petitioner is considered .

**Counsel for the Petitioner: SMT.N.SHOBA**

**Counsel for the Respondents : GP FOR REVENUE**

**The Court made the following :**

**THE HONOURABLE SRI JUSTICE N.V.RAMANA**

**WRIT PETITION NO.25033 OF 2004**

**ORDER:**

Heard both counsel and with their consent, the writ petition is disposed of at the stage of admission.

The facts in brief are that the petitioner company is the owner and possessor of an extent of Ac.0.16 cents in Survey No.98/1 and Ac.0.35 cents in Survey No.98/2 situated at Old Singarayakonda village of Prakasham District. While so, the second respondent published a notification dated 11.10.2004 under Section 3-A(1) of the National Highways Act,1956 seeking to acquire various extents of lands in Sy.Nos.98/1 and Sy.98/2 for upgradation and rehabilitation of National Highway No.5 from the landmark at Km.0.222 to Km.291. It is the case of the petitioner that now the said rehabilitation work is in progress at their factory and they came to know that as per the original drawing, there is no Median Opening adjacent to their factory. It is also submitted that as per the original drawing of the respondents, the Median Opening is to be provided 2 kms away from the factory of the petitioner.

It is further submitted that on its making representations on 17.11.2004 and 26.11.2004, the fourth respondent in his letter Ref.No.KM-Secon/Misc./AP-12, dt.24.11.2004 informed that as per approved drawings there is no Median Opening adjacent to their factory and advised them to use the nearby opening, which is 2 kms., away from their factory.

The grievance of the petitioner is that if no Median Opening is provided adjacent to their factory it will be difficult for their containers for ingress and egress and it will be

impossible for their 50 feet long containers to take turn through the normal opening now proposed to be provided.

In view of the circumstances of the case, writ petition is disposed of directing the respondents to consider the representation of the petitioner-company dated 17.12.2004 and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of this order.

The writ petition is disposed of with the above observation. No costs.

31.12.2004.

mdaa.

copy to :

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5. Two C.Cs to G.P.for